

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

OLLEN G. COLBERT

Plaintiff

v.

CINCINNATI GAS & ELECTRIC and
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
LOCAL 1347

Defendants.

CASE NO. C-1-00-909

JUDGE: J. Dlott
Magistrate Judge Hogan

AGREED MOTION TO EXTEND CURRENT SCHEDULING DEADLINES

Plaintiff, Ollen G. Colbert, and Defendants, Cincinnati Gas & Electric and International Brotherhood of Electrical Workers, Local 1347, each by their counsel, respectfully request that the current scheduling deadlines, under the December 10, 2003, order be extended as follows for the reasons set forth below:

1. The parties are currently in tentative settlement discussions and barring their ability to settle may seek to mediate this matter on or before December 31, 2004.
2. Notwithstanding the settlement discussions, the parties have agreed to additional discovery that requires that the current deadline of September 30, 2004, be moved to November 15, 2004. Specifically, defendant CG&E has promulgated written discovery requests for documents that are not due until September 30, 2004 and which may require the further deposition of plaintiff. Additionally, CG&E has requested a release of plaintiff's military records. Plaintiff has requested the deposition of a CG&E supervisor, which has to be scheduled around

the trial schedule of plaintiff's counsel who expects to be in trial the first week in October and the last two or three days of October.

3. Thereafter, defendants request that they be given until December 15, 2004 to file a dispositive motion, if any.

4. Plaintiff, Ollen Colbert, is currently in Mississippi for military duty which makes further scheduling of his deposition difficult.

5. Given the need to complete discovery and the fact that discussions are underway, a final pretrial conference may be obviated but, in any event, would be more appropriate after discovery closes. The parties therefore request that any final pretrial conference be set for January 2005 and that thereafter, trial be set for February 2005.

6. All three parties to this matter agree to this motion, which is not made in bad faith but rather in an effort to finally move this case to resolution.

WHEREFORE, the parties respectfully request the scheduling deadlines schedules in the above captioned cause be revised as set forth herein.

Respectfully submitted,

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*Rose Ann Fleming / signed with permission
given telephonically
on 9/23/04*

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